

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

RONALD DUMAS,

Plaintiff,

vs.

NEW UNITED MOTOR MANUFACTURING,
INC., ("NUMMI"), et al.,

Defendants.

Case No: C 09-5290 SBA

**ORDER DENYING PLAINTIFF'S
MOTION FOR LEAVE TO FILE
FIRST AMENDED COMPLAINT**


Docket 39

Now before the Court is Plaintiff's motion for leave to file a first amended complaint. Plaintiff did not meet and confer with Defendant prior to filing his motion, as required by the Court's Standing Orders. See Dkt. 4. In addition, Plaintiff did not properly notice his motion in accordance with Civil Local Rule 7-2. Although Plaintiff is pro se, he remains obligated to follow the same rules as parties represented by counsel. See Ghazali v. Moran, 46 F.3d 52, 54 (9th Cir. 1995) ("pro se litigants are bound by the rules of procedure.") (per curiam); Swimmer v. I.R.S., 811 F.2d 1343, 1344 (9th Cir. 1987) ("[i]gnorance of court rules does not constitute excusable neglect, even if the litigant appears pro se."). Finally, Plaintiff has failed to address the "good cause" requirement under Federal Rule of Civil Procedure 16, which applies where, as here, leave to amend is sought after the Court has entered a pretrial scheduling order. See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 608 (9th Cir. 1992). Accordingly,

IT IS HEREBY ORDERED THAT Plaintiff's motion for leave to amend to file a first amended complaint is DENIED WITHOUT PREJUDICE. This Order terminates Docket 39.

IT IS SO ORDERED.

Dated: February 11, 2011


SAUNDRA BROWN ARMSTRONG
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 RONALD DUMAS et al,

5 Plaintiff,

6 v.

7 NEW UNITED MOTOR MANUFACTURING ,
8 INC et al,

9 Defendant.
10 _____/

Case Number: CV09-05290 SBA

11 **CERTIFICATE OF SERVICE**

12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
13 Court, Northern District of California.

14 That on February 11, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said
15 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
16 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
17 located in the Clerk's office.

18 Ronald Dumas
19 942 91st Avenue
20 Oakland, CA 94603

21 Dated: February 11, 2011

Richard W. Wieking, Clerk

22 By: LISA R CLARK, Deputy Clerk
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